

**Introduced by Senator Steinberg**

February 18, 2014

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An act to add Article 4 (commencing with Section 6045) to Chapter 5 of Title 7 of Part 3 of the Penal Code, relating to mentally ill criminal offenders, and making an appropriation therefor.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1054, as introduced, Steinberg. Mentally ill offender crime reduction grants.

Existing law establishes the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, as specified.

This bill would require the board to administer and award mentally ill offender crime reduction grants on a competitive basis to counties that expand or establish a continuum of swift, certain, and graduated responses to reduce crime and criminal justice costs related to mentally ill offenders. The bill would require the board, in consultation with the State Department of Health Care Services, to award grants that provide funding for 4 years. This bill would appropriate \$50,000,000 from the General Fund in the 2014–15 fiscal year for the mentally ill offender crime reduction grant program, and require that half of that amount be used for adult offenders and half for juvenile offenders.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature hereby finds and declares all of  
2 the following:

3     (a) A share of the restored mentally ill offender crime reduction  
4 grants, with the enactment of this act, will be dedicated to  
5 improving mental health outcomes for children in the juvenile  
6 justice system.

7     (b) While California's youth crime rates are down overall in  
8 California, our courts and juvenile justice facilities are brimming  
9 with children and youth with a broad range of mental health  
10 disorders and unmet treatment needs.

11     (c) In a 2005 "gap survey" of California probation chiefs, paving  
12 the way for the subsequent realignment of the Division of Juvenile  
13 Justice population to local control, the chiefs identified juvenile  
14 mental health cases as the most significant problem and service  
15 gap they faced. In a later study, Chief Probation Officers of  
16 California documented long stays and high costs related to the  
17 detention of juveniles with mental health problems. State and  
18 national studies confirm, again and again, extremely high rates of  
19 mental health disorders among incarcerated youth, with prevalence  
20 exceeding 70 percent of juveniles in custody. Data from the Board  
21 of State and Community Corrections in 2013 documents the fact  
22 that nearly half of the daily 8,200 juveniles in custody or on  
23 electronic monitoring in California have "open mental health  
24 cases."

25     (d) When the mental health needs of young offenders are  
26 ignored, these youth enter a high-risk zone of becoming chronic  
27 adult offenders, committing further crimes and filling up our  
28 already crowded prisons and jails. This comes at a cost in public  
29 safety, a cost to the probation, court, and corrections agencies who  
30 must then deal expensively with the problem on a long-term basis  
31 at the deep end of our jail and prison systems, and a cost to the  
32 taxpayers.

33     (e) We know that early intervention in these youth mental health  
34 cases is a key to success. The mentally ill offender crime reduction  
35 grant program investment on the juvenile justice side is an  
36 investment in crime prevention. The juvenile justice share of the  
37 mentally ill offender crime reduction grants will support local  
38 investment in proven best-practices, including early diagnoses,

1 family and community-based treatment models, specialized mental  
2 health courts, and other collaborative models of intervention that  
3 have proven to be successful. The goal, overall, is to break the link  
4 between mental illness and crime as soon as possible, using  
5 state-of-the art assessment and intervention strategies. Early  
6 recognition and treatment in these cases is also critical to our goal  
7 of preventing the escalation of youth mental health disorders into  
8 tragedies like the Sandy Hook school shooting that occurred in  
9 2012.

10 (f) Modern science tells us that children are developmentally  
11 different from adults. This finding has been embedded in decisions  
12 of the United States Supreme Court in recent years, placing limits  
13 on the death penalty and other punishments imposed on children.  
14 In the foster care sector, important cases like the Katie A. litigation  
15 recognize the need for more effective strategies and collaborative  
16 efforts to address the mental health needs of children without  
17 homes of their own.

18 (g) The good news is that science and evidence-based studies  
19 point the way to interventions that can stop the cycle of mental  
20 illness and crime early in these young lives. The new mentally ill  
21 offender crime reduction grants will prioritize funding for local  
22 assessments and interventions that promise to produce better youth  
23 outcomes, to lower youth recidivism rates, and to reduce system  
24 workloads and costs that result from failing to address the problem.

25 (h) Research indicates that a continuum of responses for  
26 mentally ill offenders that includes prevention, intervention, and  
27 incarceration can reduce crime, jail overcrowding, and criminal  
28 justice costs.

29 (i) Therefore, it is the intent of the Legislature that grants be  
30 provided to counties that develop and implement a comprehensive,  
31 cost-effective plan to reduce the rate of crime and offenses  
32 committed by persons with serious mental illness and reduce jail  
33 overcrowding and local criminal justice costs related to mentally  
34 ill offenders.

35 SEC. 2. Article 4 (commencing with Section 6045) is added  
36 to Chapter 5 of Title 7 of Part 3 of the Penal Code, to read:

1 Article 4. Mentally Ill Offender Crime Reduction Grants

2  
3 6045. The Board of State and Community Corrections shall  
4 administer and award mentally ill offender crime reduction grants  
5 on a competitive basis to counties that expand or establish a  
6 continuum of swift, certain, and graduated responses to reduce  
7 crime and criminal justice costs related to mentally ill offenders,  
8 as defined in paragraph (1) of subdivision (b) and subdivision (c)  
9 of Section 5600.3 of the Welfare and Institutions Code.

10 6045.2. (a) To be eligible for a grant, a county shall establish  
11 a strategy committee that shall include, at a minimum, the sheriff  
12 or director of the county department of corrections in a county in  
13 which the sheriff is not in charge of administering the county jail  
14 system, who shall chair the committee, representatives from other  
15 local law enforcement agencies, the chief probation officer, the  
16 county mental health director, a superior court judge, a client of a  
17 mental health treatment facility, and representatives from  
18 organizations that can provide, or have provided, treatment or  
19 stability, including income, housing, and caretaking, for persons  
20 with mental illnesses.

21 (b) The committee shall develop a comprehensive plan for  
22 providing a cost-effective continuum of graduated responses,  
23 including prevention, intervention, and incarceration, for mentally  
24 ill offenders. Strategies for prevention and intervention shall  
25 include, but are not limited to, both of the following:

26 (1) Mental health or substance abuse treatment for mentally ill  
27 offenders who have been released from law enforcement custody.

28 (2) The establishment of long-term stability for mentally ill  
29 offenders who have been released from law enforcement custody,  
30 including a stable source of income, a safe and decent residence,  
31 and a conservator or caretaker.

32 (c) The plan shall include the identification of specific outcome  
33 and performance measures and a plan for annual reporting that  
34 will allow the Board of State and Community Corrections to  
35 evaluate, at a minimum, the effectiveness of the strategies in  
36 reducing crime and offenses committed by mentally ill offenders  
37 and the criminal justice costs related to mentally ill offenders.

38 6045.4. The Board of State and Community Corrections, in  
39 consultation with the State Department of Health Care Services,  
40 shall award grants that provide funding for four years. Funding

1 shall be used to supplement, rather than supplant, funding for  
2 existing programs and shall not be used to facilitate the early  
3 release of prisoners or alternatives to incarceration. A grant shall  
4 not be awarded unless the applicant makes available resources in  
5 an amount equal to at least 25 percent of the amount of the grant.  
6 Resources may include in-kind contributions from participating  
7 agencies. In awarding grants, priority shall be given to those  
8 proposals that include additional funding that exceeds 25 percent  
9 of the amount of the grant.

10 6045.6. The Board of State and Community Corrections, in  
11 consultation with the State Department of Health Care Services,  
12 shall establish minimum standards, funding schedules, and  
13 procedures for awarding grants, which shall take into consideration,  
14 but not be limited to, all of the following:

- 15 (a) Percentage of the jail population with severe mental illness.
- 16 (b) Demonstrated ability to administer the program.
- 17 (c) Demonstrated ability to develop effective responses to  
18 provide treatment and stability for persons with severe mental  
19 illness.
- 20 (d) Demonstrated history of maximizing federal, state, local,  
21 and private funding sources.
- 22 (e) Likelihood that the program will continue to operate after  
23 state grant funding ends.

24 6045.8. (a) The Board of State and Community Corrections,  
25 in consultation with the State Department of Health Care Services,  
26 shall create an evaluation design for mentally ill offender crime  
27 reduction grants that will assess the effectiveness of the program  
28 in reducing crime, the number of early releases due to jail  
29 overcrowding, and local criminal justice costs.

30 (b) Commencing on June 30, 2015, and annually thereafter, the  
31 board shall submit a report to the Legislature based on the  
32 evaluation design, with a final report due on December 31, 2019.

33 (c) The reports submitted pursuant to this section shall be  
34 submitted in compliance with Section 9795 of the Government  
35 Code.

36 (d) Pursuant to Section 10231.5 of the Government Code, this  
37 section is repealed as of January 1, 2024.

38 6045.9. (a) Funding for mentally ill offender crime reduction  
39 grants shall be provided, upon appropriation by the Legislature,  
40 in the annual Budget Act.

1 (b) Up to 5 percent of the amount appropriated in the budget  
2 may be available for the board to administer this program,  
3 including technical assistance to counties and the development of  
4 an evaluation component.

5 SEC. 3. There is hereby appropriated from the General Fund  
6 in the 2014–15 fiscal year, fifty million dollars (\$50,000,000) for  
7 use by the Board of State and Community Corrections to provide  
8 grants and administer the Mentally Ill Offender Crime Reduction  
9 Grant Program. Half of the money shall be used for adult offenders  
10 and half of the money shall be used for juvenile offenders.